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Feb. 21

Leaton B. Chandler, Secretary
State Tax Commission
Concord, New Hampshire

Dear Sir:

You have inquired if the provisions of Chapter 171-A of the Revised Laws, as inserted by Chapter 292 of the Laws of 1949, relating to games of chance, require that the annual meeting of towns shall vote each year upon the question: "Shall the provisions of Chapter 171-A of the Revised Laws relative to playing games of chance be adopted in this city or town?"

Please be advised that in my opinion the law requires such a vote to be taken annually at town meeting. Section 7 of Chapter 171-A provides that this question "shall be submitted to the voters . . . in towns at the annual meeting" and it further provides that "if a majority of the qualified voters present and voting at any municipal election" approves the question presented, then the selectmen may issue the necessary licenses as provided by that chapter.

Reading this section as a whole, and considering the fact that a different interpretation might deprive the people of an opportunity to express themselves for or against the provisions of this chapter, it is my conclusion that the question should be considered annually at each town meeting, and in instances where the towns have an official ballot it shall appear thereon. In other towns it must be voted upon by special ballot.

Very truly yours,

Gordon M. Tiffany
Attorney General

GME/a